

**UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

Richard Katz
3364 Parker Lane
East Stroudsburg, PA 18301

Plaintiff

Case No.: **3:15-cv-01187**

v.

NATIONAL BOARD OF MEDICAL EXAMINERS (NBME)
3750 Market Street
Philadelphia, PA 19104

and

FEDERATION OF STATE MEDICAL BOARDS (FSMB)
400 Fuller Wiser Road, Suite 300
Eules, Texas 76039-3855

Defendants

MOTION FOR ISSUANCE OF SUBPOENA DUCES TECUM

COMES NOW, the pro se plaintiff Richard Katz (hereinafter Katz or plaintiff) respectfully requests this Honorable Court to enter an Order authorizing Katz to issue a subpoena duces tecum for records production only to the Custodian of Records of the Human Resource

Department of the National Board of Medical Examiners (NBME) located at 3750 Market Street Philadelphia, PA 19104 in the above referenced case as follows:

Records and information pertaining to the following five (past/present) NBME employees:

- **Gregory Baker** (Unknown if still employed by NBME)
- **Maria L. Fuentes** (No longer employed by NBME)
- **Catherine Farmer** (Currently employed by NBME)
- **J. Abram Doane** (No longer employed by NBME)
- **Gerard F. Dillon** (Currently employed by NBME)

Record production of the ‘**The Seven Components of the NBME Employee Personnel Files**’ as outlined below for five (past/present) NBME employees designated above:

The Seven Components of the NBME Employee Personnel Files:

1. Job description for position(s) held by each of the five NBME employees who have some involvement in case.
2. Job application and resume for each of the five NBME employees who have some involvement in case.
3. Performance evaluations contained in personnel files for each of the five NBME employees who have some involvement in case.
4. Complaints and reprimand/warnings in personnel files for each of the five NBME employees who have some involvement in case.
5. Awards and citations of excellence contained in personnel files for each of the five NBME employees who have some involvement in case.
6. Attendance and completion of training programs for each of the five NBME employees who have some involvement in case.
7. Records pertaining to employee departure from the NBME Organization for the five NBME employees who have some involvement in case.

As grounds therefore, plaintiff would state:

1. This is a disability access and discrimination case alleging that there is an administrative barrier and discriminatory policies at the NBME and FSMB. The NBME and FSMB own and sponsor the United States Medical Licensing Examination® (“USMLE”), a standardized examination that is used in evaluating applicants for medical licensure in the United States and its territories. The USMLE Organization’s primary place of business is in Philadelphia, PA. *Katz is an individual with a disability. This barrier denies full and equal access to in violation of the Americans with Disabilities Act (“ADA”).*

2. Katz filed his original Complaint in this Court on June 18, 2015. He amended his complaint on August 12th, 2015. The defendants answer was submitted to this Court on August 28th, 2015. Katz traversed the defendants answer on September 8th, 2015. On 11/17/2015 Katz submitted to this Court a Second Amended Complaint.
3. Katz has involved himself in the Discovery process pursuant to LR 26.1 Duty to Investigate and Disclose and LR 26.3 Discovery Motions, Statement of Conference to Resolve Objections.
4. Katz requests this Honorable Court to Order the issuance of the above referenced subpoena duces tecum, as good cause exists for the issuance of subpoena and this information is necessary to properly prepare and present his case.
5. The information is discoverable as it is reasonably calculated to lead to relevant, admissible evidence, and is therefore material to the preparation of Katz's case. The information presented in this motion will be reiterated on the face of each of the five subpoenas issued to NBME.
6. Plaintiff requests U.S. Marshals for Service of subpoenas, The U.S. Marshals Service is based on the organizational structure of the Federal District Court system for the Middle District of Pennsylvania.

WHEREFORE, the plaintiff respectfully requests this Honorable Court to enter its Order allowing Katz to issue the above-referenced subpoena duces tecum for records production Only to the Custodian of Records, Human Resource Department of the National Board of Medical Examiners (NBME) 3750 Market Street Philadelphia, PA 19104.

Respectfully submitted,

Richard Katz
3364 Parker Lane
East Stroudsburg, PA
18301

/s/ Richard Katz

Richard Katz

pro se

Dated: January 27th, 2016

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been served upon:

Michael Sacks
Hamburg & Golden, P.C.
1601 Market Street Suite 3310
Philadelphia PA 19103-1443

Date: January 27th, 2016

/s/ Richard Katz
Richard Katz